

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

UNITED STATES OF AMERICA : CASE No. 2:09-cr-0094

VERSUS : JUDGE ROBERT G. JAMES

ARDWIN FITZGERALD PETE : MAGISTRATE JUDGE KAY

**JUDGMENT**

For the reasons stated in the Report and Recommendation [Doc. 239] of the Magistrate Judge previously filed herein, and after an independent determination of the issues and review of the record, the Court concludes that the Magistrate Judge's Report and Recommendation is correct and adopts the findings and conclusions therein as its own.

Accordingly, **IT IS ORDERED** that the instant motion [Doc. 233] be **DENIED** as time-barred under 28 U.S.C. § 2255(f) to the extent that it seeks relief under § 2255 and **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction to the extent that it seeks relief under 28 U.S.C. § 2241.

**THUS DONE AND SIGNED** in Chambers this 23<sup>rd</sup> day of May, 2018.

  
ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE